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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/802,398

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Steve Toren Scott

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08/16/2006

Doreen J Gridley
ICE Miller
One American Square
Box 82001
Indianapolis, IN 46282

EXAMINER

PARDO, THUY N

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,398

Applicant(s)

SCOTT ET AL.

Examiner

Thuy N. Pardo

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-18 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-18 and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Response to Examiner's Office Action filed on June 02, 2006 has been reviewed. Claim 1 is amended.

2. Claims 1-9, 11-18 and 24-29 are presented for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-9, 13-18 and 24-29 are rejected under 35 USC § 101 because they are directed to non-statutory subject matter. Claimed invention does not provide a transformation or reduction of an article to a different state or thing, or produce a useful, concrete and tangible result. See *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (*Brenner v. Manson*, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96 (1966)); *In re Fisher*, 421 F.3d 1365, 76 USPQ2d 1225 (Fed. Cir. 2005); *In re Ziegler*, 992 F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-9, 11-18 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (Hereinafter “Huang”) US Patent No. 5,953,707.

As to claim 1, Huang teaches the invention substantially as claimed, comprising:
means for processing project data [policy and target, 262 of fig. 24; 20 of fig. 7];
means for storing and retrieving project data[DSS database of fig. 7], the project data storing and retrieving means operably connected to the processing means [product info, fig. 38, 60, 61, 64], and the project data comprising, for each of the at least one projects, a project identifier to identify the project [APPHeaderID, Appendix A, col. 111-112; product ID, fig. 53,

56], a project part identifier to identify the part of the project [fig. 70], a project supplier identifier to identify the supplier of the project [SupplyOrderID, Appendix A, col. 111-112], a project customer identifier to identify to customer of the project [CustomerID, fig. 48, 56-58], data representative of the at least one methodology of the project [aggregate Production Plan, col. 113-114], and data representative of the at least one control of the project [D for day; W for week...etc, col. 113-114].

As to claim 13, Huang teaches the invention substantially as claimed. Huang further teaches a first database comprising data representative of at least one methodology applicable to the project [DSS frame decisions from systems integrator, fig. 37]; a second database comprising a project record for each of the at least one projects [production node, fig. 38; customer info product req, fig. 38; col. 92, lines 27 to col. 93, lines 61]; and means for controlling the progress of the at least one project, the controlling means operably connected to the first database and the second database, the controlling means using the indicated methodology(ies) of the project for such control [see supply chain network configurator, fig. 38; col. 92, lines 27 to col. 93, lines 61].

As to claim 2, Huang teaches the invention substantially as claimed. Huang further teaches that the project data storing and retrieving means comprises memory [inherent in the database system].

As to claim 3, Huang teaches the invention substantially as claimed. Huang further teaches a storage device [col. 100, lines 20-23].

As to claim 4, Huang teaches the invention substantially as claimed. Huang further teaches that the user operating system is able to selectively retrieve project data stored on the project data storing and retrieving means [col. 97, lines 31 to col. 99, lines 37].

As to claim 5, Huang teaches the invention substantially as claimed. Huang further teaches that the connection between the processing means the user system comprises a network [fig. 38].

As to claim 6, Huang teaches the invention substantially as claimed. Huang further teaches that the network comprises a global computer network [Global performance, col. 2, lines 35-38; col. 94, lines 36-50].

As to claim 7, Huang teaches the invention substantially as claimed. Huang further teaches that the global computer network comprises the Internet [col. 101, lines 7-8].

As to claim 8, Huang teaches the invention substantially as claimed. Huang further teaches that the system is capable of management of at least one sub-project [col. 197-198].

As to claim 9, Huang teaches the invention substantially as claimed. Huang further teaches that the project part comprises a family of parts, and the project part identifier includes a descriptive field to distinguish among the family of parts [col. 197-198].

As to claim 11, Huang teaches the invention substantially as claimed. Huang further teaches monitoring the computerized system for entry of data by the supplier identified by the supplier identifier of the project record [col. 149-150]; evaluating the entered data for relevance to the at least one requirements applicable to the project, and, if not relevant returning to step (c) [col. 13, lines 45 to col. 14, lines 4]; and comparing the entered data to the at least one measurement criterion of the relevant at least one requirement, and, if the entered data does not satisfy the at least one measurement criterion, returning to step (c) [col. 12, lines 51 to col. 13, lines 7].

As to claim 12, Huang teaches the invention substantially as claimed. Huang further teaches that the entered data is compared to the document and the document is checked for completeness to satisfy the document complete indicator [col. 25, lines 35 to col. 26, lines 45].

As to claim 24, Huang teaches the invention substantially as claimed as specified in claims 1 and 8. Huang further teaches an evaluation system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology [evaluation of decision alternatives, col. 97, lines 2 to col. 98, lines 3; fig. 41-42].

As to claim 25, Huang teaches the invention substantially as claimed. Huang further teaches a reporting subsystem operable by processing means for reporting the evaluation of the project and subproject as determined by the evaluation subsystem [col. 34, lines 46 to col. 35, lines 3].

As to claims 27-28, Huang teaches the invention substantially as claimed, with the exception that the evaluation subsystem measures the risk of the sub-project based on the risk factors. However, this feature is inherent in the system in order to evaluate the project [col. 34, lines 46 to col. 35, lines 3].

As to claims 14-18, 26 and 29, all limitations of these claims are rejected in the analysis above, and these claims are rejected on that basis.

Response to Arguments

5. Applicant argues that the rejection of claims 1-9, 11-18 and 24-29 under 35 USC 101 should be withdrawn.

As to this point, Examiner respectfully disagrees. Examiner believes that claims are not practical that provide a concrete tangible result. For instance, claim 1 merely provides means for processing data and means for storing and retrieving data and a connection between two means. There is no physical transformation between two means and there is no final concrete result

achieved by the claimed invention; therefore, the examiner has determined that the claim is nonstatutory and maintained the 101 rejection.

Applicant argues that the Huang's modeling processes are decision making aids that help in forecasting and planning and are not methodologies that control the completion of a project.

As to this point, Examiner respectfully disagrees. Firstly, the term "methodology of the project" in the claimed invention is only an abstract idea and it does not constitute a statutory process in which the statutory process must result in a physical transformation. Secondly, Examiner also believes that Huang teaches this feature. Huang teaches a methodology that how to control a supply and demand reconciliation process, a capacity planning process, a vendor managed replenishment process, and a scenario management process of a supply chain [ab].

Applicant argues that Huang does not teach creating and storing at least one requirement applicable to at least one of the at least one projects of the supply chain.

As to this point, examiner respectfully disagrees. Huang teaches production requirements and a process to determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process [see col. 13, lines 45 to col. 14, lines 3].

Applicant argues that Huang does not teach a "methodology" as claimed in claims 1, 13 and 24.

Examiner respectfully disagrees. Huang teaches production requirements and a process to determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process [see col. 13, lines 45 to col. 14, lines 3]. Furthermore, Huang also teaches providing analytical decision methods (or models) based on "What-if scenario test" [see fig. 41; col. 61, lines 8-44].

Applicant argues that Huang does not teach an “evaluation system” as specified in claim 24.

Examiner respectfully disagrees. Examiner believes that Huang teaches this feature. Huang teaches an evaluation system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology [evaluation of decision alternatives, col. 97, lines 2 to col. 98, lines 3; fig. 41-42].

6. Applicant's arguments filed on June 02, 2006 have been fully considered but they are not persuasive.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is 571-272-4082. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at 571-272-4146.

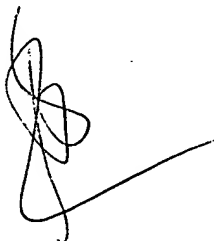
The fax phone number for the organization where this application or proceeding is assigned as follows: 571-273-8300 (Official Communication)

and/or:

571-273-4082 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 14, 2006

A handwritten signature in black ink, appearing to be 'Thuy N. Pardo', with a long horizontal line extending to the right.

**THUY N. PARDO
PRIMARY EXAMINER**